

The Gazette of India

PUBLISHED BY AUTHORITY

No. 39] NEW DELHI, SATURDAY, SEPTEMBER 25, 1954

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 18th September 1954 :—

Issue No.	No. and date	Issued by	Subject
211	S.R.O. 2981, dated the 11th September 1954.	Ministry of Finance (Revenue Division).	Amendments made in the notification No. 13-Customs, dated the 28th February 1953.
	S.R.O. 2982, dated the 11th September 1954.	Ditto.	Exemption of Projector Lamps from certain amount of customs duty.
	S.R.O. 2983, dated the 11th September 1954.	Ditto.	Amendments made in the notification No. 33-Customs, dated the 22nd June 1935.
212	S.R.O. 2984, dated the 13th September 1954.	Ministry of Food and Agriculture.	The Regional Director (Food), Bombay, shall exercise powers conferred by clause 5 of the Sugar & Gur Control Order, 1950, in respect of despatches of sugar from the State of Bombay.
213	S.R.O. 2985, dated the 15th September 1954.	Ditto.	The Central Government confers upon the authorities, the powers under the Sugar and Gur Control Order, 1950, within the States mentioned in the schedule attached.
214	S.R.O. 3066, dated the 16th September 1954.	Ditto.	The Regional Director (Food), Calcutta shall exercise powers conferred by clause 5 of the Sugar and Gur Control Order, 1950, in respect of despatches of sugar from the State of West Bengal.
215	S.R.O. 3067, dated the 18th September 1954.	Central Board of Revenue.	Appointment of officers to be Land Customs Officers for the areas adjoining the foreign frontier separating Portuguese territory from India.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF STATES

New Delhi, the 17th September 1954

S.R.O. 3075.—In exercise of the powers conferred by Entry 3 (b) of the Table annexed to Schedule I of the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Maharaj Kumar Shri Madhusudan Singhji
and

2. Maharaj Kumar Shri Raghubir Singhji

members of the family of the Ruler of Danta for the purposes of that entry.

[No. 110-D.]

K. RAJA RAM, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs).

New Delhi, the 1st September 1954

S.R.O. 3076.—In exercise of the powers conferred by section 27 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government hereby directs that the following further amendment shall be made in the Foreign Exchange Regulation Rules, 1952, namely:—

In the Second Schedule to the said Rules, under the column headed "Names of countries", under the heading "B. Bilateral Account countries", in item (i), the word "Hungary" shall be omitted.

[No. F.32(1)-E.F.II/54.]

F. C. DHAUN, Dy. Secy.

(Department of Economic Affairs)

COMPANY LAW & INVESTMENT ADMINISTRATION

New Delhi, the 17th September 1954

S.R.O. 3077.—Shri B. R. Sahni has been appointed to officiate as Solicitor in the Company Law & Investment Administration, Ministry of Finance, Department of Economic Affairs, on a short term basis with effect from the 8th September 1954 (forenoon) until further orders.

[No. PFG(5)-C.L.I.A./54.]

K. P. BISWAS, Under Secy.

New Delhi, the 17th September 1954

S.R.O. 3078.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, and in relation to persons serving in the Indian Audit and Accounts Department after consultation with the Comptroller and Auditor General, the President hereby directs that the following further amendment shall be made in the General Provident Fund, (Central Services) Rules, namely:—

In the first proviso to rule 17 of the said Rules for each of the expressions "twelve months" and "six months" the expression "three months" shall be substituted.

[No. F.26(5)-E.V./54.]

S.R.O. 3079.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, and in relation to persons serving in the Indian Audit and Accounts Department after consultation with the Comptroller and Auditor General, the President hereby directs that the following further amendment shall be made in the Contributory Provident Fund Rules (India), namely:—

In the first proviso to clause (b) of rule 15 of the said Rules for each of the expressions "twelve months" and "six months" the expression "three months" shall be substituted.

[No. 26(5)-E.V./54.]

S.R.O. 3080.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General, hereby directs that the following further amendment shall be made and shall be deemed to have been made with effect from the 8th July 1953, in the Civil Service Regulations, namely:—

In the said Regulations, in article 486, for clause (a) the following clause shall be substituted, namely:—

"(a) Pay, other than that drawn in a tenure post."

[No. F.12(18)-EV/54.]

New Delhi, the 21st September 1954

S.R.O. 3081.—In exercise of the powers conferred by the proviso to article 309 read with articles 313 and 372 of the Constitution and para 19 of Adaptation of Laws Order, 1950, and after consultation with Comptroller and Auditor General as required under clause (5) of 148 of the Constitution, the President hereby directs that the following further amendment shall be made in the Civil Service Regulations, namely:—

In the said Regulations, after article 487-A the following article shall be inserted, namely:—

"487-B. In the case of a Government servant who quits service on a superannuation, retiring, invalid or compensation pension, or invalid or compensation gratuity and who, during the period from the 1st January, 1948, to the 31st December, 1957, holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity, where such post carries a rate of pay higher than his substantive pay, but the increase over substantive pay does not count for pension or gratuity under clause (h) of article 486 of these Regulations:—

(i) his average emoluments for pension as calculated with reference to articles 486 and 487 shall be increased:—

either (a) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the 1st January, 1948, and 31st December, 1957;

or (b) by thirty-three and one-third per cent.;
whichever is less:

(ii) If he is eligible only for a gratuity calculated with reference to the provisions of clause (a) of article 474 of these Regulations, the amount of gratuity shall be increased:—

either (a) by one-half of the difference between the amount so calculated and the amount which would have been arrived at as if such post or posts were permanent and he had held them substantively;

or (b) thirty-three and one-third per cent;

whichever is less:

Provided that the increase, referred to in clauses (i) and (ii) shall be allowed only to such Government servant as had held continuously a higher post or posts

(a) for a period of not less than two complete years immediately before the date of his retirement, or

- (b) for two or more spells during the last three years of his service, the last spell covering a period of two years or more, in which the case concession shall be admissible in respect of all the spells;

NOTES.—(1) For the purposes of clauses (i) and (ii), all kinds of leave taken during the last two years of service shall be included in the two-year period, if it is certified that the Government servant would have continued to hold the higher post or posts if he had not proceeded on leave.

(2) In the case of a Government servant who while continuously holding a higher post or posts, is confirmed in a higher post, the period after confirmation may, where necessary, be included in calculating the prescribed period of two years.

(3) So long as a Government servant holds a post higher than his substantive post for two complete years immediately before the date of his retirement, it is not necessary that he should have held the same higher post throughout that period.

(iii) This concession shall be admissible during a period of leave also, provided that the Government servant had continuously held a higher post or posts for two complete years immediately before proceeding on leave, and it is certified that he would have continued to hold that post for the entire period if he had not proceeded on leave.

(iv) The pension of Government servants who retired on or after the 1st January, 1948, shall be revised in accordance with clause (i) of this article but the increased pension shall have effect only from the 1st August, 1952. From the increase in the amount of gratuity admissible under clause (ii) of this article over the amount calculated under clause (a) of article 474 of these Regulations, there shall be deducted a sum, in respect of period between the date of retirement and the 1st August, 1952, calculated at the rate of the monthly pension equivalent to the amount of increase on the basis of the commutation table with reference to the age next birthday after retirement.

(v) Nothing contained in this article shall have the effect of modifying any of the existing rules which govern the counting of service qualifying for pension or the definition of emoluments reckoning for pension, or the several maxima of pensions prescribed in the Regulations.

(vi) The concession admissible under this article shall also apply to a permanent Government servant who served in the Army, Navy or Air Force during the period from the 1st January, 1948 to the 31st December, 1957, and for the purpose of this article, such Government servant shall, if he was holding a lien on a permanent civil appointment and was actually in receipt of military rates of pay during the said period, be deemed to have held an analogous post in the civil Department on a rate of pay equal to the pay of his appointment or rank (including any paid-acting or temporary rank) including parachute pay and specialist pay."

[No. 15(6)-E. V/52.]

K. S. GANAPATI, Dy. Secy.

(Department of Economic Affairs)

COMPANY LAW AND INVESTMENT ADMINISTRATION

New Delhi, the 17th September 1954

S.R.O. 3082.—Shri K. Srinivasan, I.A.S., has been appointed as Regional Director, Company Law and Investment Administration, Madras with effect from the 1st September 1954, until further orders.

[No. PFG(4)-CLIA/54.]

S.R.O. 3083.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not apply to the Colony Bank Ltd., Ludhiana, for the period ending with the 31st March 1955.

[No. F.4(171)-F.I/54.]

New Delhi, the 20th September 1954

S.R.O. 3084.—In exercise of the powers conferred by section 4 of the Rehabilitation Finance Administration Act, 1948 (XII of 1948), the Central Government hereby reconstitutes the Rehabilitation Finance Administration consisting of the following members, namely:—

Chairman

1. Shri P. C. Das Gupta, Chief Administrator.

Official members

2. The Joint Secretary, Ministry of Finance (Rehabilitation Division).
3. Shri Mehr Chand Khanna, Adviser to the Ministry of Rehabilitation, Government of India.
4. The Relief and Rehabilitation Secretary to the Government of Assam.
5. Shri N. N. Majumdar, Special Officer and *ex-officio* Secretary, Finance Department West Bengal Government.

Non-Official members

6. Shrimati Sucheta Kriplani, Member, Lok Sabha.
7. Shri Chandulal P. Parikh, Member, Rajya Sabha.
8. Sardar Santokh Singh, 'Holly Oak', Sanjauli, Simla.
9. Dr. Susilranjan Chatterjee, Member, Lok Sabha.

[No.F.7(40)-F.III/54.]

N. C. SEN GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CUSTOMS

New Delhi, the 25th September 1954

S.R.O. 3085.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to, the provisions of the said section and any rules made thereunder, in respect of duty-paid imported C. K. D. pack materials used in the manufacture or assembly of every motor vehicle manufactured or assembled in, and exported from, India.

[No. 108.]

S.R.O. 3086.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

1. **Short title.**—These rules may be called the Customs Duties Drawback (Motor Vehicles) Rules, 1954.
2. **Definitions.**—In these rules unless the context otherwise requires,—
 - (a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);
 - (b) 'C. K. D. pack' means imported components and accessories required in the manufacture or assembly of one motor vehicle, allowed to be imported during a particular quarter of the year, under the Import Trade Control Regulations;
 - (c) 'motor vehicle' shall have the same meaning as in the Motor Vehicles Act, 1939 (IV of 1939) and shall include a motor car, truck, taxi cab, motor omni-bus, lorry, jeep, land rover and a station wagon;
 - (d) 'quarter' means a period of three months beginning with the first day of January, the first day of April, the first day of the July and the first day of October;
 - (e) 'registered manufacturer' means a manufacturer or assembler of motor vehicles who has been registered under rule 5 for the purpose of these rules; and
 - (f) 'section' means a section of the Act.

3. Goods in respect of which drawback may be allowed.—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of every motor vehicle manufactured or assembled in, and exported from, India, in respect of C. K. D. pack used in the manufacture or assembly of such vehicle.

4. Period for which drawback permissible.—A drawback under these rules shall be admissible for the period during which a notification in respect of the goods specified under rule 3 is in force under sub-section (1) of section 43B.

5. Registration of manufacturers.—(1) A drawback admissible under these rules shall apply only in respect of such motor vehicles as have been manufactured or assembled by a person registered under these rules.

(2) An application shall be made by a manufacturer or assembler of motor vehicles to the Chief Customs Authority which may authorise in this behalf any Chief Customs Officer who shall hereinafter be referred to as the Authorised Chief Customs Officer, to act on its behalf in this respect.

(3) Such application shall describe the varieties, if any, and other specifications of motor vehicles in respect of which registration is desired.

(4) The Chief Customs Authority or the Authorised Chief Customs Officer may register the applicant as a registered manufacturer for the purpose of these rules.

6. Rate of drawback.—(1) Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rate indicated hereinafter.

(2) The rate of drawback of duty for every motor vehicle admissible under these rules shall be seven eighths of the average amount of duty paid on the C.K.D. pack permitted to be imported during the quarter in which the shipment is made, or on such part thereof as has been actually used in the manufacture or the assembly of the motor vehicle shipped.

(3) Such rate shall be determined by the Chief Customs Authority or the Authorised Chief Customs Officer, during every quarter in respect of each type of motor vehicle manufactured or assembled by a registered manufacturer, on the basis of statements, furnished by such registered manufacturer and verified by a Customs Officer, of the value of importations of components and accessories permitted to be imported during the quarter and duty paid thereon, during the preceding year or such longer or shorter period as the Customs Collector may deem proper, used in the manufacture or assembly of motor vehicles.

(4) Such rate of drawback shall be in force only for the quarter and shall apply to shipments made during that quarter from any port in India.

7. Manner of allowing drawback.—A drawback shall be allowed on the export of motor vehicles subject to the following conditions, namely:—

(a) The shipper of the goods shall make a declaration on the relative shipping bill that a claim for drawbacks under section 43B is being made.

(b) The shipper shall in the shipping bill, furnish, in addition to the information required under section 29 such additional information as may, in the opinion of the Customs Collector, be necessary for the purpose of verification of the claim for the drawback, and in particular the Customs Collector may require such additional information in respect of the following matters, namely:—

- (i) the description of the goods,
- (ii) the name of the registered manufacturer, registration number and authority or officer with whom registered,
- (iii) the particulars of any brand or trade mark attached to the vehicle,
- (iv) engine number and any such other specifications of the components of every motor vehicle.

(c) The shipper shall, at the time of shipment or subsequently at the time of examination of the claim for the drawback, as the Customs Collector may decide, furnish—

- (i) a statement giving the description and quantity of the different components and accessories forming the C. K. D. pack per vehicle of each type permitted to be imported during a quarter in which the shipment is made, and
- (ii) a statement showing the average value and the average duty paid, based on the value and duty paid on importation of identical components and accessories imported in the year preceding to the quarter in which the shipment is made.

8. Powers of Customs Collector.—For the purpose of enforcing these rules, the Chief Customs Officer or the Customs Collector may—

- (a) require a registered manufacturer to produce any books of accounts or other document of whatever nature relating to the use of the imported materials in the manufacture or assembly of motor vehicles;
- (b) require the production of such certificate, documents or other evidence in respect of each claim for the drawback as may be necessary.

9. Access to Manufactory.—A registered manufacturer of motor vehicles in respect of which a drawback is claimed shall give access to every part of his manufactory or assembly plant to an Officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority to enable the officer so authorised to inspect the processes of manufacture or production and to verify by actual check or otherwise the statements made in support of the claim for such drawback.

[No. 109.]

CUSTOMS

S.R.O. 3087.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 31-Customs, dated the 15th March, 1954.

[No. 111.]

JASJIT SINGH, Dy. Secy.

ORDERS

STAMPS

New Delhi, the 14th September 1954

S.R.O. 3088.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits the whole of the Stamp duty chargeable under the said Act on the lease deed dated the 4th March, 1954, executed in favour of the United Kingdom High Commission in India in respect of the premises known as 33 Golf Link Road, New Delhi.

[No. 13.]

New Delhi, the 16th September 1954

S.R.O. 3089.—*Corrigendum.*—In the Ministry of Finance (Revenue Division) Order No. 8-Stamps dated 24th August, 1954, for "7th November 1953" read "7th November 1952".

[No. 14.]

New Delhi, the 20th September 1954

S.R.O. 3090.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits the stamp duty chargeable on the lease deeds to be executed by the Employee's State Insurance Corporation, New Delhi, in respect of the premises hired for its Regional Local and Inspectorate offices in all Part C States in India.

[No. 15.]

M. G. MATHUR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

Bombay, the 10th September 1954

S.R.O. 3091.—In exercise of the powers conferred on me by clause 22 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendments shall be made in the Textile Commissioner's Notification No. T.C. (6)1/44, dated the 19th February 1944, namely:—

In the said notification—

I. in clause 2, after sub-clause (c), the following proviso shall be inserted, namely:—

“Provided that in the case of cloth sold for export, the size of the overall diameter of the mark shall be not less than $1\frac{1}{4}$ ” and the figures in the mark shall be not less than $1/8$ ” in height.”

II. in sub-clause (e), after the words “towels”, the words “and in the case of cloth sold for export” shall be inserted.

[No. T.C. (6) 28/44.]

New Delhi, the 25th September 1954

S.R.O. 3092.—In exercise of the powers conferred on me by clause 23 of the Cotton Control Order, 1950, and with the sanction of the Central Government, I hereby direct that the following further amendments shall be made in the Textile Commissioner's Notification No. S.R.O. 875, dated the 7th November 1950, namely:—

In the Schedule annexed to the said Notification, in column (2)—

(a) against Serial No. 1, and in entry No. 1(1) against each of the Serial Nos. 2 and 3, for the existing entries substitute the following namely:—

“Shri D. N. Mahta, Director (Cotton), Office of the Textile Commissioner, Bombay”.

(b) against Serial No. 3, for entry No. (2) substitute the following, namely:—

“(2) Shri Thomas de Sa, Assistant Director (Cotton), Office of the Textile Commissioner, Bombay.”

M. R. KAZIMI,

Joint Textile Commissioner.

[No. 44(12)-CT(A)/54(ii).]

S. A. TECKCHANDANI, Under Secy.

New Delhi, the 17th September 1954

S.R.O. 3093.—The resignation of Mr. R. E. Jones, a member of the Coir Board, Ernakulam, has been accepted by the Government of India. He will cease to be a member of the Board, with immediate effect.

[No. 42-Cot.Ind.(A) (9)/53.]

(Mrs.) P. JOHARI, Dy. Secy.

New Delhi, the 25th September 1954

S.R.O. 3094.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. 81-Tex 1/48(i), dated the 4th December 1948, namely:—

In the said Notification—

I. (i) in item (i), the letters and figures “CST No. 2” and “CST No. 3A” shall be deleted.

(ii) Forms “CST No. 2” and “CST No. 3A” shall be deleted.

(iii) For forms “CST No. 1” and “CST No. 5”, the following forms shall be substituted, namely:—

1	2	3	4	5	6	7	8	9	10	11	12	13
9.	Stock held in Mills' account (i.e. all uninvoiced bales in stock (Item 8—10)											
10.	Stock held on other persons account i.e. all invoiced bales in stock											

11. Split cloth, if any, included in Part II above.....Yds. (measuring.....yds. at loom state.)

12. Total cloth in loose condition including cloth under process at the end of the month. (These figures should be based on actual stock as per inventory made from time to time).

(a) Cloth measured in lbs. and yds.....lbs.....yds.

(b) Miscellaneous cloth measured in lbs. only.....lbs.

I do hereby declare that I have compared the above particulars with the records and books of my mill and that they are, in so far as I can as certain accurate and complete.

Date

Signature of Manager or Managing Agents.

place

Instructions :—

1. All cotton cloth, delivered and in stock including pledged or hypothecated cloth bales shall be shown in this return. Details of cloth bales pledged or hypothecated with banks or others should be given separately showing names of the parties and quantities of pledged goods.
2. By 'delivered' or 'delivery' is meant physical delivery of cloth in bales or in pieces but not cloth which though paid for, is still in the physical possession of the seller.
3. Export bales refer only to cloth bales packed for export and marked with the words for 'Export only.'
4. Cloth for civil consumption should be in full standard bales and cloth for export and Government purposes should be given in the actual number of bales packed.
5. Production and packings of staple fibre cloth should not be included in this return.
6. The returns should be filled legibly written in ink or typewritten.
7. If and when there is nothing to report in the return the mills should intimate separately by a letter that the return for the month is NIL.

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
12. Total of item 6 both inclusive			4	5	lbs	lbs	lbs	lbs	lbs	lbs	lbs	lbs	lbs	lbs
13. Stock of yarn at the end of the month (Item 5 minus item 12)	5		lbs	lb										
14. Stock of yarn sold, i.e. invoiced and awaiting delivery at the end of the month														
15. Stock of yarn in balance:														
(a) Quantity in loose condition														
(b) Quantity in packed bales														

16. Cotton and/or waste mixings consumed during the month.....lbs.

I do hereby declare that I have compared the above particulars with the records and books of my mill and that they are, in so far as I can ascertain, accurate and complete.

Date_____

Place_____

Signature of the Manager/Managing Agents.

NOTE.— If and when there is nothing to report in the return the mill should intimate separately by a letter that the return for the month is nil.

[No. 9(5)-Tex. 1/49-CT (A)/54-1]

S. A. TECKCHANDANI, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME TAX

New Delhi, the 25th September 1954

S.R.O. 3095.—In pursuance of sub-section (4) of section 5 of Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in its notification No. 32-Income-tax dated the 9th November, 1946, namely :—

In the Schedule appended to the said notification, under the sub-head “VII-Delhi, Ajmer, Rajasthan and Madhya Bharat,” for the existing Ranges, Income-tax Circles and Wards, the following Ranges, Income-tax Circles and Wards shall be substituted, namely :—

Ranges	Income-tax Circles and Wards
‘A’ New Delhi	1. Wards Nos. VII (1), VII (2), VII (3) and VII (4), Delhi. 2. Ward No. VIII, Delhi. 3. All Contractors Circles, New Delhi. 4. All Companies Circles, New Delhi. 5. All Wards at Gwalior. 6. All Wards at Jodhpur. 7. All Wards at Udaipur.
‘B’ Delhi	1. All Business Circles, New Delhi. 2. Central Circle II, New Delhi. 3. Central Circle III, Delhi. 4. Ward No. VI, Delhi. 5. Wards Nos. IX (1), IX (2), IX (3), IX (4) and IX (5), Delhi. 6. All Salary Circles, Delhi. 7. Survey Wards Nos. I & II, Delhi. 8. Ajmer. 9. Beawar. 10. All Wards at Jaipur.
‘C’ Delhi	1. Wards Nos. I (1), I (2), II, III, IV and V, Delhi. 2. Central Circle I, Delhi. 3. Evacuee Circle, Delhi. 4. Ratlam. 5. All Wards at Kotah. 6. All Wards at Indore. 7. All Wards at Ujjain. 8. Bharatpur. 9. Sri Ganganagar. 10. Bikaner.

2. Where an Income-tax Circle stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle is transferred.

K. B. DEB, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 14th September 1954

S.R.O. 3096.—In pursuance of the provisions of Section 4(4)(ii) of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Shellac Traders' Association, Mirzapur, has nominated Shri Sanwar Mal Saksaria of Messrs Mannalal Bajranglal, Burhenath, Mirzapur, to be a member of the Governing Body of the Indian Lac Cess Committee, for a period of 3 years with effect from the 1st October, 1954.

[No. F.4-1/54-Com-I.]

S.R.O. 3097.—In exercise of the powers conferred by Section 9 of the Indian Lac Cess Act, 1930 (XXIV of 1930), the Indian Lac Cess Committee, with the previous sanction of the Central Government, hereby makes the following amendment to the Indian Lac Cess Committee Provident Fund Rules, namely:—

In rule 9 of the said Rules, the words “and all the necessary expenses of management and all other costs, charges and expenses to which the Committee shall be put in connection with the fund for any reason whatsoever” shall be omitted.

[No. F.3-13/53-Com-I.]

F. C. GERA, Under Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 20th September 1954

S.R.O. 3098.—In exercise of the power conferred by sub-section (1) of section 78 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in supersession of the notification by the Government of India in the Department of Commerce and Industry, No. 10760-12 dated the 19th December, 1907 the Central Government hereby fixes the following rates of payment for the subsistence and passage of distressed seamen and apprentices who are sent on board a British ship under sub-section (2) of section 75 of the said Act, and are in excess of the number wanted to make the complement of the crew, namely:—

	For Steam vessels.	For sailing vessels.
	Rs. As. Ps.	Rs. As. Ps.
1. For the conveyance of certificated officers and Apprentices, when diet and accommodation superior to that usually afforded to distressed seamen are furnished; otherwise the same as at No. 2.	6-11-0	4-7-0
2. For the conveyance of other members of the crew when afforded the same diet as European seamen.	5-0-0	3-5-4
3. For the conveyance of other members of the crew when subsisted on Indian or similar diet.	2-11-0	1-12-8

[No. 6-MS(2)/54.]

S.R.O. 3099.—In exercise of the powers conferred by sub-section (6) of section 226 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby makes the following Rules, the same having been previously published as required by the said sub-section, namely:—

PRELIMINARY

1. (1). These Rules shall be called the Indian Merchant Shipping (Carriage of Grain) Rules, 1954.

(2). In these Rules, the expression “the Act” means the Indian Merchant Shipping Act, 1923 (XXI of 1923).

2. Every precaution specified in the Schedule to these Rules shall, subject to the provisions of the said Schedule, be treated for the purposes of Section 226 of

the Act as a necessary and reasonable precaution to prevent grain from shifting, in relation to ships of the following classes, namely:—

- (a) all Indian Ships,
- (b) ships which are loaded with grain within any port in India,
- (c) ships which, having been loaded with grain outside India, enter any port in India so laden.

3. Where these Rules require that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship or that any particular provision shall be made, the Central Government may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship if they are satisfied that such other fitting, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Rules.

SCHEDULE

DEFINITIONS

1. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Bin” means a completely enclosed section of cargo space in the 'tween decks or superstructure of the ship.

“Grain” includes wheat, maize, oats, rye, barley, rice, pulses and seeds.

“Heavy grain” means all grain other than oats, light barley and cotton seed.

“Light barley” means barley which weighs 51·575 lb. or less per bushel of 1·2837 cu. ft.

SHIFTING BOARDS, UPRIGHTS, ETC.

Shifting Boards

2. Shifting boards shall be of a minimum thickness of 2 in. of good sound timber, and fitted grain-tight. They shall be supported by uprights.

3. The maximum unsupported span to be allowed for shifting boards of various thicknesses shall be as follows:—

Thickness	Span	Housing at Bulkheads
2 in. planks	Unsupported span not to exceed 8 ft.	3 in.
2½ in. planks	Unsupported span not to exceed 11 ft.	3 in.
3 in. planks	Unsupported span not to exceed 13 ft.	3 in.

4. Shifting boards shall be securely housed at each bulkhead by means either of permanent angle bars, or of wood cants not less than 6 in. in width and 3 in. in thickness and suitably shored.

5. Where 2½ in. or 3 in. shifting boards are used, the boards may be butt-jointed in way of the uprights, and at least 4 in. of plank shall be supported. Where 2 in. shifting boards are used the joints shall overlap by at least 9 in. in way of the uprights.

6. Where no permanent arrangements are made for grain-tight filling between the beams, wood filling pieces of the same thickness as the shifting boards shall be fitted grain-tight between the beams, and shall be secured in place by cleats or scabs at both ends and fitted both sides. The cleats or scabs shall be at least 2 in. x 4 in. in size and shall extend the full depth of the filling piece and as much again below, and be securely spiked or bolted to the shifting boards and filling pieces.

Uprights

7. Wood uprights shall not be less than 10 in. in width and 2 in. in thickness.

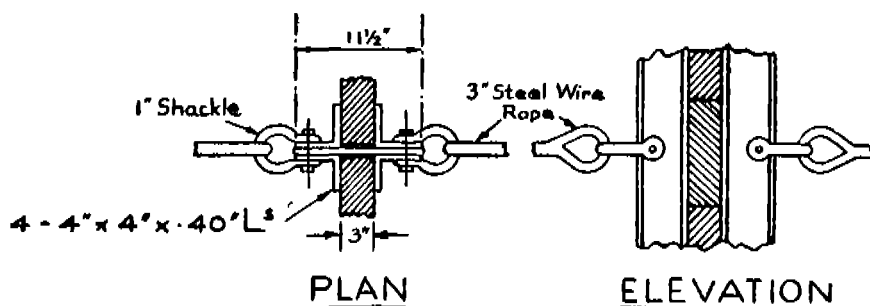
8. Uprights shall be cleated to the tanktop or ceiling where fitted, and when the upright is not securely housed at the top the uppermost supporting shores or stays shall not be more than 18 in. down from the deck or top of the upright.

9. If a tier of closely spaced pillars which serves as a principal support to the deck over in a hold or compartment is utilized for supporting the shifting boards at the middle line and if the pillars are not reeled or staggered, additional support shall be provided by means of hook-bolts and vertical tieplates or uprights secured to the pillars. Such tieplates shall consist of plates not less than 3 in. in

width and $\frac{1}{2}$ in. in thickness and shall be through-bolted at intervals of not more than 3 ft.

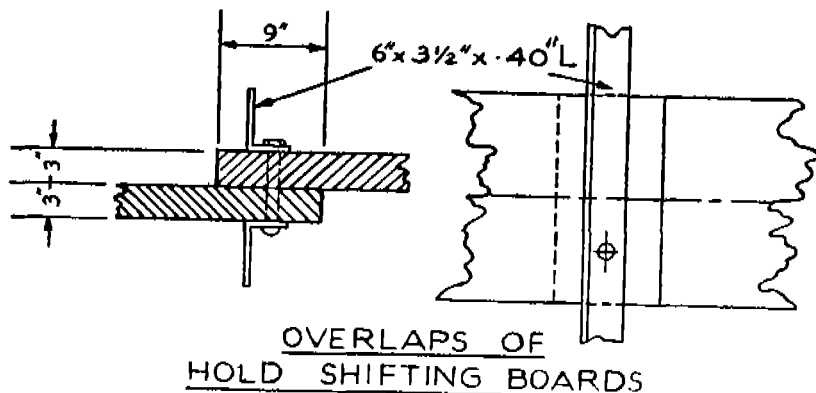
10. The horizontal distances between the centres of uprights shall be as specified in paragraph 3 of this Schedule. Wood uprights used in association with wire stays shall be not less than 11 in. in width and 3 in. in thickness. The construction and dimensions of angle bar uprights used in association with wire stays shall conform to the specification and method set forth in sub-paragraph (a) of this paragraph or to one of the specifications and to the method set forth in sub-paragraph (b) thereof:—

- (a) Each upright shall consist of four angle bars 4 in. \times 4 in. \times 40 in. and steel plate $11\frac{1}{2}$ in. \times 50 in. riveted to form one complete structure allowing 4 in. housings on both forward and after sides. Brackets riveted to head and heel shall be fitted, each to take five $\frac{7}{8}$ in. bolts with corresponding lugs or angles on tanktop, tunnel top and hatch webs.



- (b) Horizontal Distance between Vertical Spans supported by each stay. Sizes of Angle Bars.

Horizontal Distance between centres of Uprights	Vertical Spans supported by each stay.	Sizes of Angle Bars.
8 ft. (2 in. shifting boards)	8 ft.	3 in. \times 3 in. \times 38 in.
8 ft. (2 in. shifting boards)	11 ft.	3 1/2 in. \times 3 1/2 in. \times 38 in.
8 ft. (2 in. shifting boards)	14 ft.	4 1/2 in. \times 3 1/2 in. \times 44 in.
11 ft. (2 1/2 in. shifting boards)	8 ft.	3 in. \times 3 in. \times 38 in.
11 ft. (2 1/2 in. shifting boards)	11 ft.	4 in. \times 3 1/2 in. \times 40 in.
11 ft. (2 1/2 in. shifting boards)	14 ft.	6 in. \times 3 1/2 in. \times 40 in.
13 ft. (3 in. shifting boards)	8 ft.	3 in. \times 3 in. \times 38 in.
13 ft. (3 in. shifting boards)	11 ft.	4 in. \times 3 1/2 in. \times 42 in.
13 ft. (3 in. shifting boards)	14 ft.	6 in. \times 3 1/2 in. \times 40 in.



Vertical angle bars shall be connected at head and heel to the tanktop, tunnel top, deck beams, and hatch webs by angle lugs having two $\frac{7}{8}$ in. bolts in each angle bar upright and fastenings of equal strength to tanktop, tunnel top, deck beams and hatch webs. The vertical angle bars shall be bolted together through the shifting boards by $\frac{7}{8}$ in. bolts approximately 4 ft. apart.

Shores and Stays

11. Wood uprights shall be supported by steel wire rope stays set up at the ship's side, or by wood shores securely heeled against the permanent structure of the ship. All wood shores shall be of good sound timber in a single piece.

Shores

12. The vertical spacing of wood shores shall be as follows:—

Except as provided in paragraph 8 of this Schedule the uppermost shore shall be not more than 7 ft. below the top of the upright and succeeding shores shall be spaced not more than 7 ft. apart measured vertically from the uppermost shore downwards, except that a distance of 8 ft. shall be permitted between the lowest shore and the heel support. Shores may be heeled on the tanktop or ceilings if the heels are secured by cleats or cants and efficiently braced against the permanent structure. Shores shall not be heeled directly against the ship's side plating.

13. Subject to the provisions of paragraphs 14 and 15 of the Schedule the sizes of wood shores shall be as follows:—

Minimum sizes

Length of shores	Rectangular Section	Circular Section
Not exceeding 16 ft.	6 in. × 4 in.	5½ in. diameter
Over 16 ft. and not exceeding 20 ft.	6 in. × 6 in.	7 in. diameter
Over 20 ft. and not exceeding 24 ft.	8 in. × 6 in.	7½ in. diameter
Over 24 ft. and not exceeding 28 ft.	9 in. × 6 in.*	8 in. diameter
Over 28 ft.	8 in. × 6 in.*	8½ in. diameter

*Securely bridged at approximately mid-length.

Spliced shores shall not be used.

14. Subject to the provisions of paragraph 15 of this Schedule, if the spacings of the uprights or shores are less than those respectively referred to in paragraphs 3 and 12 of this Schedule the sizes of the shores may be reduced in proportion.

15. Where their angle from the horizontal does not exceed 10° the shores fitted shall be of the sizes specified in paragraph 13 of this Schedule. Where, by reason of the construction of the ship, their angle from the horizontal exceeds 10° then the next larger size of shore to that required by its length shall be fitted. In no case shall the angle between any shore and the horizontal exceed 45°.

Stays

16. One stay on each side of each upright shall be fitted in holds 20 ft. and under in depth and shall be placed at a distance below the deck of approximately one-third from under deck. In holds over 20 ft. in depth two stays on each side of each upright shall be fitted the upper stays being placed at a distance below the deck of approximately one-quarter of the depth of the hold and the lower stays at half the depth of the hold. For the purposes of this paragraph depths shall be measured to top of floors, inner bottom or tunnel top, as the case may be.

17. When stays are used the following provisions shall apply:—

- The stays shall be of 3 in. circumference flexible steel wire rope and shall be fitted horizontally.
- The rigging screws shall be 1½ in. in diameter and shall be fitted in accessible positions.
- The shackles shall be 1 in.

- (d) The eye bolts through the wood or angle bar uprights shall be $1\frac{1}{4}$ in.
- (e) $\frac{3}{4}$ in. screw bolts and nuts shall be provided as may be necessary for securing the wood uprights or steel angle bars.
- (f) Either eye plates of 1 in. thickness shall be securely riveted to the side stringers or frames or 1 in. shackles passed through the frame.

18. If any shifting boards do not extend to the full depth of the hold the shifting boards and their uprights shall be supported or stayed so as to be as efficient as shifting boards which extend to the full depth of the hold.

Construction of Feeders, Bins and Bulkheads

19. Feeders, bins and bulkheads shall be of sufficient strength to withstand the pressure due to the head of grain contained therein and shall be grain-tight.

20. Ships having one or more decks with any continuous hold, whether forward or aft, with two hatches to that hold shall have a well-constructed bulkhead extending from side to side of the ship between the two hatches to divide the hold.

21. Wood feeders, wing feeders and bin bulkheads shall be constructed either—

- (a) of planks which have been worked vertically and which are not less than $2\frac{1}{2}$ in. thickness; when the vertical unsupported span of the planks exceeds 8 ft. the thickness thereof shall be increased proportionately or proportional additional stiffening shall be fitted; or
- (b) of framing lined with grain-tight boards 2 in. in thickness or two 1 in. layers of shiplap, laid horizontally with broken joints; the framing shall where possible be placed inside the hatch coamings and shall be not less than 4 in. \times 6 in. laid on edge spaced not more than 2 ft. apart centre to centre. The planks at the corners shall be well secured to substantial vertical cants.

22. If the depth of the hatch end beams or coamings exceeds 15 in. below the surface of the deck, feeding holes shall be provided to allow the grain to flow through the coamings into the hold or 'tween decks. When the depth of the coamings below the surface of the deck exceeds 15 in. and does not exceed 18 in. feeding holes 2 in. in diameter shall be provided. When the depth exceeds 18 in. feeding holes of $3\frac{1}{2}$ in. diameter shall be provided. Feeding holes shall be spaced approximately 2 ft. apart.

23. Engine-room and stokehold bulkheads and donkey boiler recesses, where subjected to heat, shall be sheathed with wood and made grain-tight. An air space of at least 6 in. shall be left between the bulkhead and the sheathing and a box trunk ventilator 6 in. \times 8 in. in size shall be provided from the top of the air space to a ventilator or hatchway. Sheathing shall be supported on vertical runners spaced not less than 2 ft. apart centre to centre and shall consist of 2 in. planks or two thicknesses of 1 in. boards laid to break joint.

STOWAGE

Holds, Compartments or Bins Partly Filled with Loose Grain in Bulk

24. If any hold, compartment or bin is partly filled with loose grain in bulk, the grain shall be levelled and topped off with bagged grain or other suitable cargo extending to a height not less than 4 ft. above the top of the loose grain in bulk and supported on suitable platforms laid over the whole surface of the loose grain in bulk. In addition the hold or compartment, as the case may be, shall be divided by a properly constructed longitudinal bulkhead or by shifting boards which shall be in line with the keel, and shall extend from the bottom of the hold or deck, as the case may be, to a height of not less than 2 ft. above the surface of the bulk grain in such a way as to prevent shifting.

Provided that the fitting of a longitudinal bulkhead or shifting boards in a lower hold shall not be required if the grain in bulk does not exceed one-third of the capacity of the hold, or in the case of a hold containing a shaft or other similar tunnel, one-half the capacity of the hold.

Holds, Compartments or Bins Entirely Filled with Loose Grain in Bulk

25. If any hold or compartment is entirely filled with loose grain in bulk, it shall be divided by a longitudinal bulkhead or shifting boards, in line with the keel, which shall be properly constructed and secured, and fitted grain-tight with proper fillings between the beams. In holds such shifting boards shall extend

downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 ft. whichever is the greater. In compartments in 'tween decks and superstructures they shall extend from deck to deck. In all cases the shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

26. All bulk grain shall be well trimmed up between the beams and in the wings and the space between them shall be completely filled.

27. Any hold, compartment or bin which is entirely filled with loose grain in bulk shall be fed by suitably placed and properly constructed feeders, which shall contain not less than $2\frac{1}{2}$ per cent. or more than 8 per cent. of the quantity of grain carried in the compartment that they feed. When loose grain in bulk is loaded in a deep tank, specially built feeders shall not be required if the deep tank is divided by a steel centre longitudinal division and the bulk grain is well stowed, the tank and tank hatchways being completely filled and the hatch covers secured.

28. Feeders to a hold, compartment or bin shall be so arranged as to secure a free flow of grain to all parts of that hold, compartment or bin. When the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 ft. the grain in the end spaces beyond 25 ft. from the nearest feeder shall be levelled off at a depth of at least 6 ft. below the deck, and the end spaces filled with bagged grain built up on a proper platform.

29. The platforms required by this Schedule shall consist of bearers spaced not more than 4 ft. apart and 1 in. boards laid thereon spaced not more than 4 in. apart or tarpaulins or strong separation cloths with adequate overlapping.

30. Light grain in bulk shall be carried in the case of a single deck ship in the holds or superstructures thereof and in the case of other ships only in the holds or 'tween decks thereof and in all cases feeders and shifting boards shall be fitted which comply with this Schedule. In ships where 'tween decks or shelter decks are not subdivided, bulkheads shall be constructed so as to divide such shelter decks or 'tween decks, as the case may be, into compartments of a maximum length of not exceeding 70 ft.

31. Heavy grain in bulk shall not be carried above deck except in the manner specified in paragraphs 32 and 33 of this Schedule.

32. Heavy grain in bulk shall not be carried above deck in a single deck ship, or in the 'tween deck of a two deck ship, or in the uppermost 'tween deck of a ship having more than two decks except:—

- (a) in feeders properly constructed in accordance with this Schedule;
- (b) in bins properly constructed in accordance with this Schedule.

33. Where heavy grain in bulk is carried in bins:—

- (i) the compartment or compartments immediately below the bins shall be completely filled with bulk grain;
- (ii) the hold or compartment below the bin or bins shall be properly battened down clear of the feeder to such hold or compartment;
- (iii) the aggregate quantity of grain carried in bins and all feeders shall not exceed 23 per cent. by weight of the total cargo below the deck on which the bins are situated;
- (iv) the capacity of any bin shall not exceed 8,000 cu. ft.;
- (v) where the distance from the feeder to the transverse bulkhead exceeds 20 ft. the space beyond shall be filled with bagged grain or other suitable cargo;
- (vi) where a bin is not completely filled with grain the provisions of paragraph 24 of this Schedule shall apply.

34. Shifting boards shall not be required to be fitted in holds, 'tween decks or superstructures being holds, 'tween decks or superstructures which contain only grain in bags.

35. Bagged grain shall be carried in sound bags which shall be well filled and securely closed.

LOADING OF GRAIN ON HOME-TRADE SHIPS

36. The foregoing requirements of this Schedule shall not apply to any home-trade ship on which grain is loaded if such precautions as are specified in paragraphs 37 and 38 of this Schedule are taken to prevent the grain from shifting. Provided that the provisions of paragraphs 32 and 33 of this Schedule shall apply to any two-deck ship loaded with heavy grain in bulk in the 'tween deck and to any ship, having more than two decks, loaded with heavy grain in bulk in the uppermost 'tween deck.

Holds, Compartments or Bins Entirely Filled with Loose Grain in Bulk

37. If any hold, compartment or bin in a home-trade ship is entirely filled with loose grain, the grain shall be trimmed tightly into the wings, ends and beam spaces. The hatchway shall also be filled in such a way that it shall act as a feeder in the event of the grain settling during the voyage. The hatchway shall contain not less than 4 per cent. by weight of the grain carried in the hold below deck level.

Holds, Compartments or Bins Partly Filled with Loose Grain in Bulk

38. (1) If any hold, compartment or bin in a home-trade ship is partly filled with loose grain, the grain shall be stowed in the manner specified in paragraph 24 of this Schedule. Provided that, in such a ship, not more than two holds or compartments may be stowed in the manner specified in sub-paragraph (2) or sub-paragraph (3) of this paragraph.

(2) The grain shall be levelled off and overstowed with at least two tiers of bagged grain laid on separation cloths, or with other suitable cargo supported on platforms or separation cloths.

(3) (a) The grain shall be divided from the empty space in the hold by one of the following methods:—

Method 1.—A transverse vertical wooden bulkhead shall be fitted in the fore part of the hold in such a way as to reduce the capacity of the hold to that required for the stowage of the grain. The bulkhead shall be of adequate strength to withstand the pressure of the grain in all circumstances.

Method 2.—A strongly and tightly constructed transverse vertical bulkhead of bagged grain shall be used. The bulkhead shall contain sufficient rows of bags laid in a fore and aft direction to enable it to withstand the effect of pitching and scending during the voyage. Its foundation shall be on the floor of the hold and shall consist of not less than four rows of bags.

Method 3.—A sloping bulkhead shall be constructed of stepped bags of grain. The bags shall be packed tightly together and bedded into the grain in a fore and aft direction. They shall lie horizontally, and overlap not less than one-half of their length. The lowest tier shall be arranged so as to rest upon a firm and solid foundation, and shall be placed on the floor of the hold or on separation cloths laid on a levelled grain surface reaching to one of the ship's transverse bulkheads. The bags shall be well locked into the frames at the ship's side and a double tier shall be laid at the sides of the holds. The bulkhead shall be secured in the hatchway and the top tier of bags shall be so wedged tightly against the web beams or the hatch end coamings that they will be secured against fore and aft movement.

(b) The grain shall be stowed in such a way as to confine its loose surface within the limits of the hatchway in such a manner that it will serve as a feeder. The part of the hold containing grain shall be completely filled and the grain shall be so confined as to prevent any of it getting into the empty part of the hold. It shall be trimmed tightly into one end of the hold, the wings, end and beam spaces shall be filled, and as much grain as possible shall be stowed at the same end of the hatchway so as to ensure a sufficient supply for feeding purposes.

(c) The bags referred to in this sub-paragraph shall be in sound condition. They shall be loosely filled and securely closed, and the mouths of the bags shall always be laid towards the bulk grain.

ORDER

New Delhi, the 21st September 1954

S.R.O. 3100.—In exercise of the powers conferred by section 4B of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the powers and functions exercisable by it under, or in relation to, section 245 CC, sub-section (2) of section 245F and sub-section (3) of section 245J of the said Act shall be exercisable also by the Director General of Shipping.

[No. 24-MA (4)/54.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF WORKS HOUSING AND SUPPLY

(Central Boilers Board)

New Delhi, the 18th September 1954

S.R.O. 3101.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (V of 1923), the Central Boilers Board hereby directs that the following further amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely:—

In the said Regulations—

1. In regulation 392—

(i) For the existing heading, the following heading shall be substituted, namely:—

“Repairs to Boilers and Steam Pipes”.

(ii) After the word “girders” appearing in the fourth line, the words “and steam pipes” shall be inserted.

2. In regulation 281, the following words shall be added at the end, namely:—

“In the case of boilers fitted with integral superheaters, an additional safety valve shall be fitted at the end of the superheater outlet header”.

3. For regulation 534 the following shall be substituted namely:—

(a) Every economiser shall have a plate with its registry number engraved, secured in a conspicuous place and wherever practicable stamped for identification with that number in a prominent place.

(b) A letter “E” shall be prefixed to the registry number in the denominator of the appropriate device as shown in Regulation 328. Example: UP.
E-53

4. In regulation 123, after Clause (a) the following shall be inserted namely:—

“(aa) In the case of vertical boilers where tube plates form part of the fire-box, the tube plate portion may be constructed in two vertical sections and the vertical seams when welded shall be stress relieved.”

5. In regulation 316, in clause (b) the words “riveted to the shell” appearing in the second line shall be omitted.

6. In regulation 314, after the words “on end” the words “on a horizontal Plane” shall be inserted.

[No. BL-304 (12)/53.]

M. N. KALE, Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 18th September 1954

S.R.O. 3102.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government hereby directs that the following further amendments shall be made in the Indian Aircraft Rules,

1937, the said amendments having been previously published as required by section 14 of the said Act, namely:—

For rule 124 of the said Rules, the following rule shall be substituted, namely:—

"124. **Circuits.**—(1) An aerodyne before landing on an aerodrome shall make a circuit or partial circuit:

Provided that any Air Traffic Control Unit may, at its discretion, permit an aerodyne equipped with a radio apparatus capable of conducting two-way communications to make straight-in approach to land when such approach would not in the opinion of the Air Traffic Control Unit, constitute any danger to the safe and orderly flow of air traffic or involve any risk of collision:

(2) where an aerodyne starting from or about to land on an aerodrome makes a circuit or partial circuit of an aerodrome, the turning shall be made clear of the landing area and shall be left-handed (anti-clockwise), so that during such circuit the landing area shall always be on its left:

Provided that the turning shall be right-handed when the signal indicated in sub-rule (4) of rule 105 is displayed."

[No. 10-A/76-54.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF REHABILITATION

CORRIGENDUM

New Delhi, the 17th September 1954

S.R.O. 3103.—In this Ministry's Notification No. 2(25)/S.B.II/54, dated the 13th September, 1954, regarding appointment of Additional Settlement Commissioners under the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954) for "Shri V. Dutt" and "Sind Act" read "Shri Shiv Dutt" and "said Act" respectively.

[No. 2(25)/SB-II/54.]

M. L. PURI, Under Secy.

CENTRAL EXCISE COLLECTORATE, BOMBAY

CENTRAL EXCISES

Bombay, the 14th September 1954

S. R. O. 3104.—In exercise of the powers conferred by the Government of India, Ministry of Finance (Revenue Division) Notification No. 16 dated the 10th April, 1954, and in supersession of this office notification No. IV (b)9-124(T)/51, dated the 14th May, 1953, I hereby notify the varieties of unmanufactured tobacco specified in column 1 of the subjoined table as varieties which are not in fact utilised or are utilised only to a negligible extent within the limits of the areas specified in column 2 thereof for the manufacture of biris.

Varities	Areas
I	2
1. Pendhi tobacco (including Black Pendhi) grown and cured in the Satara, Sholapur, Poona, Kolhapur and Belgaum Districts—Whole leaf.	Whole of Bombay Collectorate.
2. Hatpan tobacco grown in the Kolhapur and Belgaum Districts—Whole leaf.	Do.
3. Black Judas or Padas—Whole leaf	Do.
4. Black Patla—Whole leaf	Do.
5. Red Chopdia—Whole leaf	Do.
6. Red Judies—Whole leaf	Do.
7. Chanchvu—Whole leaf	Do.
8. All varieties of non-flue-cured tobacco grown in Calcutta, Delhi, Allahabad, Patna, Baroda, Nagpur, Hyderabad and Madras Collectirates—Whole leaf.	Do.

Varieties 1	Areas 2
9. Rawa or Rawal and Dhura Dhara (resulting as a by-product from the ordinary processing of tobacco) which on account of its fineness cannot be used for biris.	Whole of Bombay Collectorate.
10. Black Chopdia—Whole leaf	Do.
11. Calcutta Chopdia—Whole leaf	Do.
12. Jawari tobacco grown in Karnatak—Whole leaf	Do.
13. Gawran or Gavrani—Whole leaf Angad	Do.
14. Black Chopdia—Angad (unprocessed)	Bombay Division and the Jalgaon, Nasik, Thana and Satara Circles.
15. Black Patla—Angad	Jalgaon circle.
16. Chanchvu—Angad	Do.
17. Red Chopdia—Angad	Jalgaon and Nasik circles.
18. Gadia—Angad	Jalgaon circle.
19. Black Patli—Angad	Jalgaon circle.
20. Valia—Whole leaf	Bombay Division.
21. Yeslu or Yelli—Whole leaf and Angad	Hubli circle.
22. Flue-cured and non-flue cured scrap tobacco of the variety known as "Guntur Chura" in processed as well as in unprocessed form.	Bombay Division and the Jalgaon, Nasik, Poona, Sholapur, Satara, Murud, Belgaum, Bijapur, Hubli, Karwar and Castle Rock circles.
23. Gulla tobacco (flue-cured and non-flue-cured)	Jalgaon Circle.
24. Khutan and Khakri (Ratoon Crop) processed and unprocessed.	Bombay Division and the Jalgaon, Poona, Murud, Belgaum, Hubli and Karwar circles.
25. Stems	Bombay Division and Poona, Sholapur, Satara, Ahmednagar and Thana circles.
26. Natu—Angad	Jalgaon circle.
27. Kandi Rawa prepared from Stems	Do.

[No. 39.]

A. V. VENKATESWARAN,
Collector of Central Excise, Bombay.

MINISTRY OF LABOUR

CORRIGENDUM

New Delhi, the 20th September 1954

S.R.O. 3105.—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 1641, dated the 22nd August, 1953, published at pages 1348 to 1360 in the Gazette of India, Part II, Section 3, of the 29th August, 1953, under item 9 of Form XII, insert the following clause at the end namely:—

“(c) Nature of collapse or failure of means of access to or from a ship”.

[No. Fac. 38(71).]

New Delhi, the 15th September 1954

S.R.O. 3106.—In exercise of the powers conferred by sub-section (3) of section 5 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Central Government hereby determines that the rate of the Emigrant Labour Cess to be levied under the said section in respect of the entry into Assam of each assisted emigrant shall be rupees five for the year commencing on the 1st October, 1954 and ending on the 30th September, 1955.

[No. PL-1-1-1/54.]

New Delhi, the 20th September 1954

S.R.O. 3107.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the Ministry of Labour No. S.R.O. 2155, dated the 16th November, 1953, namely:—

In the said notification, under the heading "(Elected by Parliament under clause (i) of section 4)", item No. 39, relating to "Shri Khandubhai K. Desai" shall be omitted.

[No. SS. 121(80).]

S.R.O. 3108.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 331, dated the 19th January, 1954, namely:—

In the said notification, under the heading "(Elected by the Corporation under sub-clause (v) of clause (c) of section 8)", item No. (13), relating to "Shri Khandubhai K. Desai" shall be omitted.

[No. SS. 121(80) A.]

K. N. NAMBIAR, Under Secy.

New Delhi, the 17th September, 1954

S.R.O. 3109.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Uso Meah, a workman of the Kurhurbaree Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 19 of 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application u/s 33A of I.D. Act.

PRESENT

Shri L. P. Dave, B.A. LL.B.—*Chairman.*

PARTIES

Uso Meah, s/o Vairam Meah, Sardar (C class), Kurhurbaree colliery, c/o Coal, Workers Union, Barwadih, Giridih, Dt. Hazaribagh—*Complainant.*

Vs.

1. Superintendent of Collieries, Giridih.
2. Chief Mining Engineer, Railway Board, 1 Council House Street, Calcutta—*Opposite parties.*

APPEARANCES

Shri Mahendra Nath Bharati, General Secretary, Coal Workers Union, Barwadih, Giridih, Dist. Hazaribagh—*For the complainant.*

Shri C. Bal Ram, Colliery Manager, Kurhurbaree Colliery, Giridih, Dist. Hazaribagh—*For the opposite parties.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he was discharged on 30th June 1953 on the ground that he had attained the age of 55 years (on the basis of a wrong record), though he had not attained the age of 55 years on that day. At that time, Reference No. 6 of 1952 was pending before this Tribunal, and still no permission had been obtained from it for discharging him. He has been in correspondence with the opposite party regarding this but as till now no steps had been taken to reinstate him, he filed the present complaint.

3. The opposite parties contended that according to the service conditions, the complainant had to retire on attaining the age of 55 years; that according to the service register maintained by the opposite parties, the complainant attained the age of 55 years on 30th June 1953 and as such he was,

automatically retired on that date; that the date of birth in service register was entered on the declaration of the complainant and the same was correctly prepared according to rules.

4. A preliminary objection was raised by the opposite parties that the present complaint has been filed after an unreasonable delay and should be dismissed. The complainant has filed the present complaint under Section 33A of the Act on the ground that the opposite parties committed a breach of Section 33 by discharging him during the pendency of Reference No. 6 of 1952.

5. Section 33 of the Act prohibits an employer *inter alia* from discharging any workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This section does not provide in express terms the time during which the complaint under that section should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate Tribunal in the case of General Motors (India) Ltd. 1954, Vol. I, L.L.J., p.676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950, but that section is similar to section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

6. The award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case must be deemed to have concluded from 10th November 1953.

7. The present complaint has been filed on 17th February 1954, that is, three months after the pendency of Reference No. 6 of 1952 was over. The complainant was discharged on 30th June 1953. That would mean that the complaint is filed about 7½ months after his discharge. It would thus appear that there has been unreasonable delay in filing the complaint. On the other hand, the complainant has urged in the complaint (and this allegation has not been denied by the other party) that the complainant was corresponding with the opposite parties ever since his discharge but till now no steps had been taken in the matter. If some correspondence was going on between the complainant and the opposite parties and if the complainant believed that it might lead to his re-instatement, the delay in his filing a complaint should be excused. I may mention here that I had occasion to consider a case of a similar type where a workman was discharged on the ground of her having attained the age of superannuation, in Application No. 62 of 1953. I held therein that the age was not entered in the service register as required by the rules. In view of this decision, the complainant might have hoped that in his case also the opposite parties might reconsider their decision; and if, in the circumstances, he did not file a complaint earlier, I think that the delay should not be considered unreasonable. I would therefore not dismiss the complaint on this ground.

8. Coming to the facts of the case the complainant has been discharged from 30th June 1953 on the ground that he attained the age of superannuation on that date. In this connection, reliance was placed by the management on the entries made in Exhibit 19, the service roll of the complainant, where his date of birth was recorded as 1898. It was said that this entry was made according to the declaration of the complainant and would fall under Rule 144 of the Indian Railway Establishment Code.

9. Rule 144 of the above Code lays down that every person, on entry in Railway Service, shall declare his date of birth, which shall be entered in the service record in the employee's own handwriting, if he or she is literate; and if he or she is illiterate, "the declared date of birth shall be recorded by a senior subordinate and witnessed by another railway servant." Sub-rule (2) clause (c), provides that where a person concerned is unable to state his age, it should be assessed by a Railway Medical Officer and the age so assessed should be entered in the service record. Sub-rule (3) then mentions that the "date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall be permitted subsequently" except in certain specified cases.

10. It was urged that the above service sheet was prepared in 1944 and at that time the complainant had stated that his age was 35 when he joined service in 1933 and thereupon his date of birth was recorded as 1898 in the above service roll. In support of this allegation the opposite parties have examined one Ganesh Chandra Bhattacharjee who was serving as a clerk in the Giridih Colliery. In my opinion, however, the entry of the date of birth in the service roll of the complainant has not been made properly and in accordance with the rules.

11. Firstly, Rule 144 requires that every person has to declare his date of birth on entering railway service. This does not appear to have been done in the present case. Admittedly the complainant joined service in 1933; but the above roll was prepared only in 1944. His age was not recorded anywhere in 1933.

12. We then find that according to the above rule the date of birth must be entered in the employee's own handwriting, if he is literate; and if he is illiterate, the declared date of birth should be recorded by a Senior Subordinate and witnessed by another railway servant. The complainant is literate. When he was given an order of appointment to work as a competent person under the Coal-mines Regulations by the Manager of the colliery in 1936 and again in 1942, he signed the orders of appointment accepting them. He has produced these orders of appointment at Exhibits 11 and 12 which show that he had signed them, (showing that he was literate). The payment rolls would also show whether the complainant was literate or not. The opposite parties have not produced any payment roll to show that the complainant had put his thumb mark thereon. There can thus be no doubt that the complainant is literate. He has stated that he can read and write Hindi well and that he does not know English well but can write date and figures in English. Under Rule 144 the date of birth as declared by the complainant should have been recorded in his own handwriting. This was not done. It could not therefore be said that his date of birth was recorded as required by rules.

13. Assuming that the complainant was not literate, then under Rule 144, his declared date of birth would have to be recorded by a Senior Subordinate and witnessed by another railway servant. Clerk Bhattacharjee, who is said to have written down the age, was admittedly a Junior Clerk at that time. It could not therefore be said that the declared date of birth was recorded by a Senior Subordinate.

14. There is no sufficient evidence to show that the declared date of birth was witnessed by another railway servant. Bhattacharjee has said that the Head Clerk has put his initials on the form but those initials were not to show that he had witnessed the declaration of date of birth but the initials were put by him when the paper was submitted for the signature of the colliery manager.

15. On the whole, I think that the date of birth was not recorded in the service roll as required by rules and the age mentioned therein cannot be taken to be conclusive. As a matter of fact, at the time of arguments, Mr. Balram did not press that the service record was prepared strictly in accordance with the Indian Railway Establishment Code.

16. The complainant had produced before the management a medical certificate given by the Civil Assistant Surgeon on 13th June 1952 wherein he opined that his age was about 50 years. He also produced an affidavit of his uncle according to which the complainant was born in 1904 and his age would be about 48 years in 1952. In his application, the complainant stated that he was 30 years old at the time when he was given the underground Sardar's certificate in 1932. It would show that in 1952 he must be about 50 years.

17. It was argued by Mr. Balram that in view of the conflicting evidence produced by the complainant before the management, they were entitled to accept the age mentioned in his service roll as correct and to superannuate him accordingly. I do not agree with this contention. It is true that the complainant produced conflicting evidence about his age before the opposite parties. I am not called upon in this case to decide as to what the complainant's correct age was because it is not my function to do so. I have however to see whether on the materials before it, the opposite parties could discharge the complainant on 30th June 1953 on the ground that he had attained the age of superannuation. It is common knowledge that illiterate or somewhat literate people are unable to state their ages correctly and the statements made by the complainant and his uncle cannot be taken too literally. That is why provision has been made in Rule 144 (2) (c) of the Indian Railway Establishment Code about ascertainment of age in case of a person who is unable to state his age. The complainant had produced

a medical certificate showing that he was about 50 years of age in 1952. This was *prima facie* evidence to show that he had not attained the age of superannuation in 1953. In the circumstances, the proper procedure for the opposite parties would have been to follow the provision of Rule 144 (2) (c) and to get the age of the complainant recorded after proper medical examination as mentioned therein.

18. On the whole, I think that the complainant has been wrongfully discharged on the ground of his having attained the age of superannuation. Of course, the opposite parties would be at liberty to take proper steps to ascertain the complainant's age and to have it recorded properly and to retire him from service when he attains the age of superannuation.

19. Regarding arrears of pay, I think that the complainant should not get any arrears before the date of filing the present complaint, but the period of his idleness must be treated as on leave without pay.

20. In the result, I hold that the order of the opposite parties retiring the complainant from 30th June 1953 on the ground of his superannuation is not correct. It is set aside and the opposite parties are directed to continue the complainant in service. The complainant would be entitled to pay and other advantages as if he was in service from 17th February 1954 till the date he is reinstated. The period between 1st July 1953 and 16th February 1954 (both days inclusive) will be treated as on leave without pay and will not constitute a break in service. The arrears of pay on and after 17th February 1954 must be paid to the complainant within one month of this award becoming enforceable.

I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman*.

Central Government's Industrial Tribunal, Dhanbad.

The 26th August 1954

[No. LR-2(365)/L.]

S.R.O. 3110.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Hari Chamar and others workmen of the Serampore Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 22 of 1954

(arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33A of I.D. Act.

PRESENT.

Shri L. P. Dave, B.A., LL.B.—*Chairman*

PARTIES

Hari Chamar and others, c/o Coal Workers Union, Barwadih, Giridih, Dist. Hazaribagh.—*Complainants*.

Vs.

1. Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta.
2. Superintendent of Collieries, Giridih, Dist. Hazaribagh.—*Opposite parties*.

APPEARANCES

Shri Mahendra Nath Bharati, General Secretary, Coal Workers Union, Barwadih, Giridih, Dist. Hazaribagh.—*For the complainants*.

Shri B. R. Pai, Colliery Manager, Serampore Colliery, and Shri L. Singh, Welfare Officer, Giridih.—*For the opposite parties*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainants allege that during the pendency of reference No. 6 of 1952 they were retrenched from the Bhadua incline of Serampore Colliery and they were not paid any gratuity, notice pay, etc. They therefore prayed that proper orders should be passed in the case.

3. The opposite parties urged *inter alia* that they had not contravened the provisions of Section 33 of the Industrial Disputes Act, as permission to discharge the workmen employed in the Bhadua incline, on the ground that coal in the said mine would be exhausted soon, had been obtained on 12th June 1953 from the Labour Appellate Tribunal, Calcutta, because appeals Nos. Cal.148/51 and 186/51 were then pending before them. Thereafter the opposite parties discharged the workmen gradually. It was also urged that the gratuity, notice pay, etc. were not the conditions of service of the complainants and their non-payment could not be made a subject matter of a complaint under Section 33A of the Industrial Disputes Act.

4. The present complaint is filed by 27 persons who were formerly working in the Bhadua incline of the Serampore Colliery belonging to the State Railways. The coal in that colliery having been exhausted, the colliery was closed and the workmen were gradually discharged. One of the present complainants was discharged on 14th June 1952; 7 of them were discharged on 23rd June 1952, while the rest were discharged on 1st April 1953. They have filed the present complaint claiming that gratuity, notice pay, etc. should have been paid to them, when they were discharged.

5. A preliminary objection was raised before me that the present complaint must be dismissed on the ground of its having been filed after an unreasonable delay. Section 33 of the Industrial Disputes Act prohibits an employer *inter alia* from discharging any workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This section does not provide in express terms the time during which the complaint under that section should be made. But it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of the Labour Appellate Tribunal in the case of General Motors (India) Ltd. 1954, Vol. I, L.L.J. p. 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act 1950, but that section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

6. The award in Reference No. 6 of 1952 was published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case must be deemed to have concluded from 10th November 1953.

7. The complainant has filed the complaint on 27th February 1954. As I mentioned above, the proceedings in Reference No. 6 of 1952 must be deemed to have concluded from 10th November 1953. Eight of the complainants were discharged in June 1952 and the rest in April 1953. In other words, the present complaint is filed more than three months after the pendency of Reference No. 6 of 1952 was over and in the case of eight workmen, it is filed more than 19 months after they were discharged and in the case of others, it is filed more than 10 months after their discharge. This delay is very unreasonable and the complaint must therefore be dismissed on this ground. No reason is shown or alleged as to why the complaint has been filed so late.

8. I must mention that it is with reluctance that I have to dismiss the complaint because it has been filed after an unreasonable delay. The working in Bhadua incline of Serampore colliery of State Railways was closed because coal therein was exhausted. The workmen were however not paid any gratuity, notice pay, etc., in spite of the directions contained in the Government of India, Ministry of Production, letter No. C.2-14(5)/52, dated 28th December 1952 addressed to Coal Commissioner, Calcutta. Some of the workmen approached this Tribunal by filing application Nos. 61 of 1953 and 297 of 1953. The opposite parties raised the same contentions as they have raised now. I negatived those contentions and passed an award in the above two matters on 16th July 1953 and 24th October 1953 respectively, directing that the complainants should be paid notice pay, gratuity, etc. as mentioned in para. 3 of the above letter. Those workmen thus got benefits of gratuity, notice pay, etc. I think that it would but be fair and reasonable that other workmen who had been discharged at the same time, should also be given the same advantages. I was told by Mr. Bagroy that in the case of some of the complainants they had been given notice. If this is so, those complainants may not be entitled to notice pay. But there is no reason on

principle as to why they should not get gratuity. Those workmen, who have not been given any notice, should also get notice pay. I have to dismiss this complaint because it has been filed after an unreasonable delay. At the same time, I would recommend to the authorities concerned to consider the case of the complainants sympathetically and pay them gratuity, notice pay, etc.

9. As it is, the complaint fails and is dismissed.

I pass my award accordingly.

The 25th August 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR-2(365)/II.]

S.R.O. 3111.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Sarva Shri P. L. Mukherjee, M. K. Mhaskar, R. N. Nair, A. C. Das Gupta, A. N. Ramanathan and A. K. Das Gupta, workmen of the Kotma Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 26 of 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of Industrial Disputes Act.

PRESENT

Shri L. P. Dave, B.A., LL.B., *Chairman*

PARTIES

Messrs. P. L. Mukherjee, M. K. Mhaskar, R. N. Nair, A. C. Das Gupta, A. N. Ramanathan, and A. K. Das Gupta, Kotma Colliery, P.O. Kotma, Vindhya Pradesh.—*Complainants*.

Vs.

The management of the Associated Cement Cos. Kotma Colliery, P.O. Kotma, Dist. Shahdol, Vindhya Pradesh.—*Opposite Party*.

APPEARANCES

Shri R. L. Malviya, Vice-President, Indian National Mine Workers Federation, Dhanbad.—*For the Complainants*.

Shri R. H. Ranga Rao, Chief Personnel Officer, Associated Cement Companies Limited, Bombay.—*For the Opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complaint was filed by six workmen working in the Kotma colliery of the opposite party. At the time of hearing, three of the complainants namely, (1) P. L. Mukherjee, (2) S. C. Das Gupta and (3) A. K. Das Gupta appeared before me and stated that they did not wish to proceed with the complaint. Two of the other two complainants, namely Shri R. N. Nair and Shri A. N. Ramanathan were absent and no one appeared on their behalf. There is no evidence in support of their complaint. Their complaint has therefore to be dismissed for default of appearance and for want of evidence in support of their allegations. The complaint therefore survives for only one of the complainants, namely Shri M. K. Mhaskar.

3. In the complaint, the complainants have alleged that the management had done several acts changing the conditions of service of the different complainants. For instance, it had been alleged that transport facilities had been discontinued to the complainants from 1st November 1953; that fuel supplied dwindled after October 1953 and that medical aid was not being given to the complainants. It was however specifically stated that these allegations related to the complainants, except Shri Mhaskar; i.e. the management had not changed the service conditions of Mr. Mhaskar in these respects during the pendency of Reference No. 6 of 1952.

4. The only allegation about the change of service condition during the pendency of Reference No. 6 of 1952 so far as Mr. Mhaskar was concerned was that the management had discriminated against him (and other complainants) by not giving increments to them while increments had been granted to others. Thus the only point that I have to consider on merits is whether the management committed a breach of Section 33 of the Industrial Disputes Act by not granting an increment to Shri Mhaskar as alleged by him.

5. Before proceeding further, I may mention that two preliminary objections were raised by Shri Ranga Rao on behalf of the opposite party against the maintainability of the present complaint. The first point was that there had been no dispute, much less an industrial dispute between the opposite party and their workmen and that the Government had not applied its mind before passing the order; and so the order of reference of Reference No. 6 of 1952 was invalid and void so far as the opposite party was concerned.

6. The order of reference in the above reference was to the effect that "whereas the Central Government was of opinion that an industrial dispute existed or was apprehended between the employers in relation to the collieries mentioned therein and their workmen regarding the matters specified in Schedule II annexed to the order, and whereas Central Government considered it desirable to refer the dispute for adjudication, it referred the said dispute for adjudication to this Tribunal in exercise of the powers conferred by Section 10 of the Industrial Disputes Act."

7. It is an admitted fact that the Kotma colliery belonging to the opposite party was one of the collieries specified in the above order. Schedule II annexed to the above order dealt with the matters in dispute. They were two. The first was whether the workmen were entitled to full pay and allowances for the holidays on 15th August 1950, 26th January 1951, 15th August 1951 and 26th January 1952. The second point was whether the workmen should receive full pay and allowances for the holidays on the Independence Day and Republic Day in future.

8. Mr. Ranga Rao contended that the opposite party was giving paid holidays to their workmen even before the order of this reference and there was no dispute between the present opposite party and their workmen regarding giving of paid holidays on the Independence Day and Republic Day and hence it should not have been made a party to the above reference. In this connection, it was alleged on behalf of the complainant that the opposite party was not giving full wages to their workmen on these holidays. I was told by Mr. Ranga Rao and the Manager of the Kotma colliery that before August 1953, the colliery was paying an equal amount of wages to all their workmen on the Independence Day and Republic Days and that this amount was worked out on the average earnings of all the workmen taken as a whole. It was also conceded that some workmen therefore got less than one day's full wages on these days (while some got more). It could not therefore be said that all workmen were being given full pay and allowances for the above holidays and hence it could not be said that there was no dispute on this point.

9. It may then be noted that even if the opposite party was paying full pay and allowances then (i.e. in the past), nothing prevented them from stopping payment in future. Point No. 2 in Schedule II of the order of reference deals with the question of payment of full pay and allowances for these holidays in future. It could not be said that no dispute could be apprehended on this point. It may be noted that it is not necessary that there should be actually an existence of a dispute before a matter can be referred to adjudication; but it can be so referred, even if the Government is of opinion that the industrial dispute is apprehended. In the circumstances, I think that *prima facie*, an industrial dispute existed or at least was apprehended. In any case, there is nothing to show that the opinion of the Central Government was not correct.

10. I may then mention that the opposite party wrote a letter to the Government stating that there was no dispute between it and its workmen and its name should be deleted. I am told that the Government informed the opposite party that it should approach this Tribunal in this connection. Admittedly the opposite party did not appear before this Tribunal nor did it make a request that its name should be deleted. It would not now be open to it to say that the opinion of the Central Government that an industrial dispute existed and/or was apprehended between the opposite party and its workmen was not correct.

11. I may then refer to Section 10 of the Industrial Disputes Act. Under Sub-section (1), the Government can, if it is of opinion that an industrial dispute exists or is apprehended, refer the dispute for adjudication to a Tribunal. Under sub-section (2), the Government would have to make a reference to a Tribunal if

the parties to a dispute apply to it for the purpose. Under Sub-section (3), the Government has the power to prohibit the continuance of a strike or lock-out after an industrial dispute is referred to a Tribunal. Sub-section (4) deals with the powers of the Tribunal about the adjudication of points referred to it. Sub-section (5) then lays down as under:—

“Where a dispute concerning any establishment or establishments has been or is to be, referred to a Tribunal under this Section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments.”

This would mean that even if there was no dispute between a particular establishment and its workmen, the Government could include that establishment in an order of reference, if the Government felt that the dispute was of a nature in which the other establishment or establishments were interested or were affected. Hence even if there was no dispute or even if no dispute was apprehended between the opposite party and its workmen regarding giving of holidays with full pay on the Independence Day and Republic Day, the Government had power under Sub-section (5) of Section 10 to include its name in the order of adjudication.

12. It was however argued by Mr. Ranga Rao that the order of reference did not mention that the order was made under sub-section (5), so far as the opposite party was concerned. In my opinion, it was not necessary to do so. If the order of reference only mentioned sub-section (1) of Section 10, the contention of Mr. Ranga Rao would have some force; because reference under Section 10(1) could only be made if the Government was of opinion that a dispute existed or was apprehended. The existence or apprehension of a dispute regarding a particular establishment was not necessary for including that particular establishment in the order of reference under Section 10(5). In the present case, the order of reference mentions only section 10. It did not mention either Section 10(1) or 10(5). It was really speaking not necessary for the Government to even mention that it was making a reference under Section 10. It could have, without making any reference that it was acting on in exercise of powers conferred on it under Section 10 of the Act, merely said that it was referring the dispute for adjudication to the Tribunal. The fact that the Government did not specifically mention that the order of reference was made under Section 10(1) regarding particular employers and under Section 10(5) regarding other employers could not mean that the Government had not applied its mind before making the order.

13. In this connection, I may point out that 1078 collieries were made parties to the above order of reference. It thus appears that all collieries in the whole of India were included in the above order of reference. This fact would clearly show that the Government had in mind Section 10(5) and that it was making the reference in respect of all collieries, even though there may not have been any dispute on this point in a particular colliery or collieries. In my opinion, therefore, the order of reference was perfectly valid and as the opposite party was a party to it, Section 33 would apply to it and it could not dismiss, discharge or punish a workman or alter the conditions of his service to his prejudice during the pendency of such reference without the permission from this Tribunal, and if it did so, it would be guilty of breach of Section 33 and the aggrieved workman would be entitled to file a complaint under Section 33A.

14. The second preliminary objection raised by Mr. Ranga Rao was that the complaint has been filed after an unreasonable delay. In my opinion, this objection must be upheld. It is not disputed that the opposite party declared its annual increments in June 1953 and at that time no increment was granted to any of the present complainants. Assuming that by doing this, the opposite party committed a breach of Section 33 of the Industrial Disputes Act, the complainants should have filed a complaint in this connection within a reasonable time. They have not done so.

15. Section 33 of the Act prohibits an employer *inter alia* from discharging the service conditions of a workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This

section does not provide in express terms the time during which the complaint under that section should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate Tribunal in the case of General Motors (India) Ltd. 1954, Vol. I, L.L.J., p.676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that section is similar to section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

16. The award in Reference No. 6 of 1952 was published in the Gazette of India of 10th October 1953. Hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that reference must be deemed to have concluded from 10th November 1953. The present complaint has been filed on 8th March 1954, that is almost four months after the pendency of the reference was over and about nine months after the act complained of. On the fact of it, the complainants were guilty of unreasonable delay.

17. In this connection, it may be noted that the act by which the management is alleged to have changed the service conditions of the complainants was its order passed in June 1953 granting increments to several persons but not granting them to the complainant. The present complaint has been filed almost nine months thereafter. That also means that there has been an unreasonable delay in filing the present complaint. It was admitted by Mr. Mhaskar in his deposition that before filing the present complaint, neither he nor the Union had taken any action in the matter. They had not approached the Regional Labour Commissioner nor had they set the conciliation machinery in motion. He gave an explanation that this was not done to avoid labourers misunderstanding the complainants that they had started the union for their own benefits. It may however be noted that the complainants did move the Conciliation Officer when transport facilities were stopped from 1st November 1953. It does not however appear that even at that time the complainants made any grievance before the Conciliation Officer regarding the non-granting of increments to them. In other words, the complainants kept quiet on this point from June 1953 till March 1954 when they filed the present complaint before this Tribunal. There is absolutely no reason why they should not have approached the Tribunal earlier. In my opinion, therefore, the complaint in this respect deserves to be dismissed on the ground of unreasonable delay.

18. On merits also, I think that the complaint must fail. As I said above, the allegation of the complainant is that the opposite party changed his service conditions by not granting an increment to him. Section 33 of the Act prohibits an employer from altering, to the prejudice of the workmen concerned in a dispute, the conditions of service applicable immediately before the commencement of such proceedings. The question therefore would be whether by non-granting of an increment to the complainant, the opposite party committed a breach of Section 33 of the Act.

19. Mr. Mhaskar joined the service of the opposite party from 22nd November 1950 on a pay of Rs. 125 per month. He was confirmed from 22nd May 1951 from which date his salary was fixed at Rs. 150 per month. After this, no increment has been granted to him. He says that usually every member of the staff was granted some increment every year and the act of the management in not granting increment to him in 1953 amounted to a change of service conditions. (He makes no grievance about the non-grant of an increment in 1952, because he had then not completed one year's service after confirmation).

20. The important question for consideration therefore is whether or not Mr. Mhaskar was entitled to an increment as of right in 1953. In this connection, if we refer to the letter of appointment, Exhibit 16, it mentions nothing about a grade or about increments. The letter mentions that his salary would be Rs. 125 per month and that he would be on probation for six months. It further mentions that if his services were found satisfactory during the probation, he would be confirmed on a salary of Rs. 150 per month and that if he was not confirmed, his services would be terminated one month after the termination of the period of probation. The letter does not mention that after confirmation he would get increments every year nor does it mention that he would be put in a particular grade. In his deposition he has admitted that at the time of his interview before the appointment, the Senior Officer of the opposite party told him that they had no fixed grade in the colliery. He is alleged to have also said that usually increments were regularly granted and there was no reason why an increment may

not be granted to him. This clearly shows that the granting of an increment every year was not a necessary condition of service under which the employer was bound to give increments to the complainant. It only means that the employer gave a hope to the complainant that he might (ordinarily) expect to get an increment. This, however, would not amount to its being a condition of service. For instance, if the employer did not make profits, he may not grant increments to his employees, if he had not definitely agreed to grant regular increments.

21. In this connection, I may also point out that the practice of giving increments is not uniform. Mr. Mhaskar has admitted that persons whose monthly salary was below Rs. 100 were sometimes granted an increment of Rs. 5 and sometimes an increment of Rs. 10. He has also admitted that persons drawing a salary between Rs. 100 and Rs. 150 were sometimes granted an increment of Rs. 10 and sometimes of Rs. 15 and that in one case an increment of Rs. 20 was granted. This would mean that there was no uniform practice of granting regular increments to the different employees and it could not therefore be said that granting of increments was a necessary condition of service. That being so, by not granting an increment to Mr. Mhaskar, the opposite party could not be said to have committed a breach of conditions of service.

22. In view of these findings, it is not necessary to go into the merits of the case. The complaint of three of the complainants has been withdrawn by them. The complaint of complainants Nos. 3 and 6 is dismissed for default of appearance and for want of evidence. So far as complainant Mr. Mhaskar is concerned (and also so far as other complainants are concerned), it does not appear to be a condition of service that they were entitled to an increment every year; that is, none of them could claim an increment as of right. Hence by non-granting of increments to the complainants, the opposite party did not commit a breach of section 33 of the Industrial Disputes Act. The complaint is also filed after an unreasonable delay.

23. In the result, the complaint fails and is dismissed.

I pass my award accordingly.

The 27th August 1954.

(Sd.) L. P. DAVE, *Chairman*.

Central Government's Industrial Tribunal, Dhanbad.

[No. L.R.-2(365)/III.]

S.R.O. 3112.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Janki Tewari, a workman of West Bokaro Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 364 OF 1953

(arising out of Reference No. 6 of 1952)

In the matter of an application under Section 33 of the Industrial Disputes Act.

PRESENT.

Shri L. P. Dave, B.A., LL.B., *Chairman*

PARTIES.

Shri Janki Tewari, (Aerial Ropeway Khalashi), West Bokaro Colliery, c/o Sri P. C. Chakraborty, Secretary, West Bokaro Colliery Workers Union, P.O. Ghatotand, Dist. Hazaribagh—*Complainant*.

Vs.

The West Bokaro Colliery, Managing Agents: M/s. Anderson Wright & Co., P.O. Ghatotand, Dist. Hazaribagh.—*Opposite party*.

APPEARANCES

Shri Janki Tewari, Complainant, in person.

Shri K. Rai, Deputy Agent, West Bokaro Colliery, P.O. Ghatotand, Dist. Hazaribagh.—*For the opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that the opposite party dismissed him during the pendency of Reference No. 6 of 1952 without the permission of this Tribunal.

3. The opposite party contended that it had reasons to suspect a sabotage intentionally worked by the complainant and a charge sheet was issued to him. He replied to it. After considering it, the opposite party felt it to be unsatisfactory and as the opposite party lost confidence in him, it dismissed him.

4. At the hearing before me, the parties produced a memorandum of compromise entered into by them. Under that compromise, the complainant is to be paid Rs. 500 in full and final satisfaction of all his claims. He has foregone his claim for reinstatement etc. The compromise is fair and reasonable.

5. I therefore pass an award in terms of the compromise, copy of which is enclosed herewith.

The 3rd September 1954.

(Sd.) L. P. DAVE, *Chairman,*
Central Government's Industrial Tribunal, Dhanbad.

BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT'S INDUSTRIAL
TRIBUNAL, DHANBAD

In the matter of application No. 364 of 1953

Janki Tewari—*Complaint*

Vs.

The management of West Bokaro Colliery—*Opposite Party.*

AND

In the matter of compromise between the parties

The humble petition on behalf of the above named parties most respectfully sheweth:

1. That the above matter has been amicably settled between the parties.
2. That the opposite party has agreed to pay Rs. 500 (rupees five hundred only) in full and final settlement of all his claims.
3. That the applicant, in view of the above settlement, foregoes his claim for re-instatement and does not desire to proceed with the present application.

It is, therefore, prayed that the matter may be disposed off in the terms aforesaid.

And for this, your petitioner shall pray.

(Sd.) JANKI TEWARI.

Known to me.

(Sd.) B. Roy.

1-9-1954.

(Sd.) K. RAI, Deputy Agent,
West Bokaro Colliery
1-9-1954

Filed.

(Sd.) L. P. DAVE, *Chairman,*
Central Government's Industrial Tribunal, Dhanbad,
[No. LR-2(365)/IV.]

ORDERS

New Delhi, the 21st September 1954

S.R.O. 3113.—Whereas the employers specified in Schedule I hereto annexed and the Transport and Dock Workers' Union, Bombay, have jointly applied to the Central Government for reference of an industrial dispute to a Tribunal in respect of the matters set forth in the said application and specified in Schedule II hereto annexed;

And whereas the Central Government is satisfied that the said Union represents a majority of workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad, constituted under section 7 of the said Act.

SCHEDULE I

1. Messrs. S. D. Engineer & Sons, Imperial Chamber, Ballard Estate, Bombay.
2. Messrs. Universal Traffic Co., 146, Medows Street, Fort, Bombay 1.
3. Messrs. K. M. Parikh & Co., General Insurance Building, Hornby Road, Bombay 1.
4. Messrs. Manekji Sorabji, Dalal No. 83, New Custom House, Ballard Estate, Bombay 1.
5. Messrs. S. R. Pusalkar & Co., National Seamen Union Building, Goa Street, Ballard Estate, Fort, Bombay.
6. Messrs. National Transport & Co., Bombay Mutual Building, Sir P. M. Road, Bombay 1.
7. Messrs. Mehta & Patel, Carting Agent No. 89, New Custom House, Ballard Estate, Fort, Bombay.
8. Messrs. Hussain Kasam, Mukadam No. 119, Gopal Nivas, 2nd floor, Princess Street, Bombay 2.

SCHEDULE II

Specific matters in dispute

1. Wages.
2. Hours of work.
3. Holidays.
4. Leave.
5. Permanency.
6. Provident Fund.
7. Gratuity.
8. Bonus.
9. Conveyance.

[No. LR.3(57)/54.]

S.R.O. 3114.—Whereas Messrs. Bisra Stone Lime Company Limited, Birmittapur, and the Gangpur Labour Union have jointly applied in their applications dated the 2nd March 1954, and the 8th July 1954, respectively, to the Central Government for referring an industrial dispute to a Tribunal in respect of the matters set forth in the said applications and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Union represents a majority of workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7 of the said Act.

THE SCHEDULE

- (1) Any employee putting in three months of continuous work under the Bisra Stone Lime Company Limited, Birmittapur, should be declared permanent.

- (2) A Provident Fund Scheme like the one prevailing in T. I. S. Co. should be introduced for the permanent employees.
- (3) A Retirement Gratuity Scheme for all employees including piece raters should be introduced at the rate of one month's salary with Dearness Allowance and Food Rebate for every year of service rendered, with retrospective effect from 1950 (1st January, 1950).
- (4) A M. B. B. S. Lady Doctor and a male Doctor should be appointed in the Bisra Stone Lime Company Hospital forthwith and provision should be made for an adequate number of beds in the Hospital for indoor patients.
- (5) An adequate number of schools be started in Birmitrapur *dafais* forthwith from the next session.
- (6) A proper wage-structure on time scale basis should be introduced for all categories of workers either engaged under the Company or under the Contractors forthwith including ministerial staff.
- (7) A proper Profit Sharing Bonus Scheme should be introduced for the employees.
- (8) The Contract system should be abolished and all engagements should be made directly under the Company.
- (9) Free quarters should be provided strictly according to seniority of service and in case of failure or inability to provide quarters, a flat rate of Rs. 10/- (Rupees ten only) a month should be given to every employee of the Company.
- (10) The Petty Contractors (Commissionwallahs) whether designated as Earth-workers or Quarry men, should be undertaken by the Company and work should be provided to them directly under the Company.
- (11) The Chaukidars of the Watch & Ward Department should be included in the monthly staff with all the facilities of the monthly staff forthwith and uniforms should be given to them.
- (12) Employees working in the night should be provided with uniform and proper safety appliances.
- (13) The so-called Security Deposit of Rs. 40/- (Rupees forty only) deducted from each Chaukidar against his Uniform, should be refunded forthwith.
- (14) In all cases acting allowance, shortage and extra work allowance should be given to the employees.
- (15) Adequate water supply and lighting arrangements should be made and particularly in summer when there is scarcity of water supply.
- (16) The system of Gorakhpuri labour should be abolished and the employees under that system should be treated on par with the other employees.
- (17) Three Works Canteens should be started and maintained by the Company.
- (18) Free footwear and uniforms should be given to all the Office Boys.
- (19) Claim for wages for the strike period from 25th June, 1952 to 4th July, 1952.

[No. L. R. 3(30)/54.]

P. S. EASWARAN, Under Secy.

New Delhi, the 18th September 1954

S.R.O. 3115.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby exempts for a further period of one year with effect from the 1st October, 1954, from the payment of the employer's special contribution under chapter VA of the said Act every factory—

(a) which is exclusively engaged in one or more of the manufacturing processes specified in column 1 of the Table annexed hereto or any other manufacturing process which is incidental to or connected with any of the aforesaid processes or in any other manufacturing process carried on in a seasonal factory of the nature referred to in clause (12) of section 2 of the said Act; and

(b) which is situate in any area specified in the corresponding entry in column 2 of the said Table, subject to the condition, if any, specified in the corresponding entry in column 3 of the said Table.

TABLE

Name of the manufacturing process 1	Area where situated 2	Conditions 3
1. Redrying unmanufactured leaf tobacco.	Whole of India except the State of Jammu and Kashmir.	
2. Rice milling . . .	Ditto.	
3. Cold storage . . .	Ditto.	
4. Salt manufacture . .	Ditto.	
5. Cashew processing . .	Ditto.	
6. Oil Mills . . .	Ditto.	Provided that the process of oil milling is subsidiary to any other manufacturing process which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
7. Ice manufacture . . .	The State of Punjab, Delhi, Ajmer, Uttar Pradesh, Vindhya Pradesh, Madhya Pradesh, Madhya Bharat, Bhopal, Hyderabad, Bihar, Rajasthan and PEPSU.	

[No. S. S. 137(35)(i).]

K. N. NAMBIAR, Under Secy.

